

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHANE R.D. MARSHALL,)	
)	NO. CV-05-0254-LRS
Plaintiff,)	
)	ORDER DENYING PLAINTIFF'S
-vs-)	MOTION TO DISMISS AS MOOT
)	
CHEMI-CON MATERIALS CORPORATION,)	
)	
Defendant.)	

BEFORE THE COURT without oral argument is Plaintiff's Motion to Dismiss Affirmative Defense (Ct. Rec. 14). Subsequent to the filing of the motion, the Defendant, Chemi-Con Materials Corp., withdrew the affirmative defense which was the subject of the motion. See Ct. Rec. 22.

ACCORDINGLY, Plaintiff's Motion to Dismiss (Ct. Rec. 14) is **DENIED** as **MOOT**. Defendant shall file an Amended Answer without such affirmative defense within **FIFTEEN** DAYS of this order. **IT IS SO ORDERED.**

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 12th day of December, 2005.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE